

1-29-99  
12.3.8 v.7

**SPEARMAN ENGINEERING, PS**

P. O. Box 230  
Bremerton, WA 98337

Phone: 360-377-1630 Toll Free 1-877-777-1630 Fax: 360-377-1636

• MARINE  
• STRUCTURAL  
• ENVIRONMENTAL PERMITS

January 29, 1999

Don Uglestad  
Ash Grove West, Inc.  
3801 E. Marginal Way S.  
Seattle, WA 98134

Re: Ash Grove Cement #98-34  
PO #T9900009

Dear Mr. Ugalstad:

Pursuant to our agreement for professional services we have obtained the necessary authorizations for you to reclaim the spilled limestone from the front of the pier at the above address.

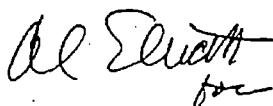
Please find enclosed copies of the following documents:

1. Letter from the Department of the Army Corps of Engineers dated January 14, 1999, stating that the project does not need a Department of the Army permit.
2. Hydraulic Project Approval from the Washington Department of Fish and Wildlife dated January 1999.
3. A Spearman Engineering, PS memorandum dated January 25, 1999, documenting discussions with Washington Department of Ecology officials indicating that this project would not require DOE authorization.
4. A Shoreline Exemption Letter dated January 29, 1999, from the City of Seattle.

Due to the logistics of transmitting these documents we have provided you with copies while maintaining the originals in our files. If for any reason the original documents are required please advise us and they will be mailed to you.

Thank you for the opportunity to provide this service. If you require additional assistance, please contact us.

Yours truly,



Jay Spearman, PE  
Enclosures as stated (4)





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-2255

JAN 14 1999

Regulatory Branch

Mr. Jay W. Spearman  
Spearman Engineering, PS  
11410 Northeast 124th Street, Suite 582  
Kirkland, Washington 98034

Reference: 99-2-00015  
Ash Grove Cement

Dear Mr. Spearman:

Your fax of January 4, 1999, inquired as to permit requirements for recovery of about 750 cubic yards of gravel from the Duwamish River at the south tip of Harbor Island, Seattle, Washington (drawings enclosed). Ash Grove Cement does not need a Department of the Army permit for this work.

Because the gravel had already been mined and processed when it was spilled, it is considered a product, not fill material. The processed gravel was not intentionally placed for a purpose. This processed product can be reclaimed without a permit as long as the underlying sediments are not disturbed.

If you have any further questions, please contact me at (206) 764-6900.

Sincerely,

Robert H. Martin  
Chief, Application Review Section

Enclosure

AGC2C000658



# HYDRAULIC PROJECT APPROVAL AMENDMENT FOR

## RENEWAL/TIME EXTENSION

State of Washington  
Department of Fish and Wildlife  
Habitat Program  
600 Capitol Way North, MS 3155  
Olympia, WA 98501-1091  
(360) 902-2534

RCW 75.20.100; RCW 75.20.103; RCW 75.20.106; RCW 75.20.108

LAST NAME Ash Grove Cement West, Inc.		FIRST	DATE OF ISSUE January 9, 1999		PAGE OF
STREET OR RURAL ROUTE 3801 E. Marginal Way S.			CONTROL NUMBER B1-14115-05		WRIA STREAM NUMBER 09-0001
CITY Seattle,	STATE WA	ZIP 98134	PROJECT DESCRIPTION Dredging		
WATER Duwamish River		TRIBUTARY TO Elliott Bay			
1/4 SECTION 18	SECTION 24N	RANGE 04E			

THIS HYDRAULIC PROJECT APPROVAL SHALL BE AVAILABLE ON THE JOB SITE AT ALL TIMES AND THE PROVISIONS OF THE PREVIOUS HPA, INCLUDING THE GENERAL PROVISIONS, FOLLOWED BY THE PERMITTEE AND OPERATORS PERFORMING WORK. THIS RENEWAL/TIME EXTENSION SHALL BE ATTACHED TO THE PREVIOUS HYDRAULIC PROJECT APPROVAL AND SHALL BE AVAILABLE ON THE JOB SITE AT ALL TIMES.

### PROVISIONS:

This is a time renewal or time extension of the original HPA issued on August 20, 1991 and last modified on June 15, 1993. It is in response to a verbal request by Jay Spearman, of Spearman Engineering, and it supersedes all previous HPAs and modifications for this project.

☒ TIME LIMITATIONS: Immediately to March 14, 1999.

☐ Work below the ordinary high water line may only occur between \_\_\_\_\_ and \_\_\_\_\_.

☐ The time limitations in Provision(s) 1 shall be changed as follows:

As indicated in TIME LIMITATIONS (above).

NOTE: References to Randy Carman and telephone # (360) 902-2573 shall be changed to read:  
Ted Muller and (425) 775-1311

ALL OTHER PROVISIONS IN THE PREVIOUS HPA FOR THIS PROJECT SHALL APPLY

APPROVED BY: Regional Habitat Program Mgr.	PHONE CONTACT (425) 775-1311 EX 114	ENFORCEMENT OFFICER Peck	ID# (024)	PRIORITY (3)
AUTHORIZED BY: 		for DIRECTOR, DEPARTMENT OF FISH AND WILDLIFE		

ORIGINAL TO PERMITTEE  
COPIES TO: AREA HABITAT BIOLOGIST - ENFORCEMENT - WRIA FILE (OLYMPIA)

AGC2C000659



DEPARTMENT OF FISHERIES

# HYDRAULIC PROJECT

## APPROVAL

R.C.W. 75.20.100

R.C.W. 75.20.103

June 4, 1993

(applicant should refer to this date in all correspondence)

PAGE 1 OF 2 PAGES

RECEIVED  
JUN - 9 1993

AGCW - SEATTLE

DEPARTMENT OF FISHERIES  
General Administration Bldg.  
Olympia, Washington 98504  
(206) 733-6650

10 LAST NAME FIRST Ash Grove Cement West, Inc.		18 CONTACT PHONE(S) 623-5596		1 CONTROL NUMBER B1-14115-04	
19 STREET OR RURAL ROUTE 3801 E. Marginal Way S., ATTN: Ralph Jones		7 CITY Seattle		8 STATE WA	
		9 ZIP 98134		14 17	
12 WATER Duwamish River		11 TRIBUTARY TO Elliott Bay		11 TYPE OF PROJECT Dredging	
13 QUARTER SECTION SECTION 18		TOWNSHIP 24N		RANGE(E-W) 04E	
		COUNTY King			
TIME LIMITATIONS:		5 THIS PROJECT MAY BEGIN June 15, 1993		6 AND MUST BE COMPLETED BY April 1, 1996	

THIS APPROVAL IS TO BE AVAILABLE ON THE JOB SITE AT ALL TIMES AND ITS PROVISIONS FOLLOWED BY THE PERMITTEE AND OPERATOR PERFORMING THE WORK.

SEE IMPORTANT GENERAL PROVISIONS ON REVERSE SIDE OF APPROVAL

NOTE: This Hydraulic Project Approval (HPA) is a renewal of the HPA issued August 20, 1991 in response to a written request by Ralph Jones received on June 1, 1993 and it supersedes all previous HPAs and modifications for this project.

1. Dredging shall not occur from April 1 through June 14 or July 1 through October 14 of any year for the protection of migrating juvenile and adult salmonids.
2. Excavated or dredged material shall not be stockpiled on a temporary or permanent basis, below the high tide line.
3. If a hydraulic dredge is used, it is to be operated with the intake on or below the surface of the material being removed during all periods of the operation. Reverse purging of the hydraulic dredge intake line shall be held to an absolute minimum. Should purging become necessary, the intake end is not to be raised more than three feet (3') above the bed material.
4. A floating clamshell may be used for dredging. Each pass of the clamshell bucket shall be complete, and there is to be no stockpiling in the water.
5. Dredging operations shall be conducted at all times in such a manner as to cause little or no disturbance or siltation to the adjacent waters.

SEPA: DNS by City of Seattle - August 11, 1989  
REGIONAL HABITAT MANAGER - Randy Carman (206) 902-2573  
PATROL - Lambert [3]  
APPLICANT - WILDLIFE - READER - PATROL - HAB. MGR. - WRIA

DEPARTMENT OF FISHERIES

R. Timothy Flint for

DIRECTOR

AGC2C000660



DEPARTMENT OF FISHERIES

# HYDRAULIC PROJECT

## APPROVAL

R.C.W. 75.20.100  
R.C.W. 75.20.103

June 4, 1993

(applicant should refer to this date in all correspondence)

PAGE 1 OF 2 PAGES

DEPARTMENT OF FISHERIES  
General Administration Bldg.  
Olympia, Washington 98504  
(206) 753-6650

10 LAST NAME Ash Grove Cement West, Inc.	18 CONTACT PHONE(S) 623-5596	1 CONTROL NUMBER B1-14115-04
12 WATER Duwamish River	9 MRIA 09.0001	

6. Dredged materials shall be disposed upland, as indicated in the Corps of Engineers Public Notice, such that they do not re-enter surface waters of the state.

7. If at any time there should be fish in distress, a fish kill, or water quality problems as a result of this project, the dredging operations will be shut down immediately.

8. No deleterious materials shall be allowed to enter state waters as a result of this project.

9. Any debris resulting from this construction project shall be removed from the water and disposed of or placed in such a manner to prevent its being washed back into the water by high water or wave action.

10. Water quality is not to be degraded to the detriment of fish life as a result of this project.

If you have any questions or need additional information, please contact Randy Carman, Regional Habitat Manager, at (206) 902-2573.

LOCATION: Ash Grove Cement Plant on lower Duwamish River

50:03:1h

cc: Rick Vining - Ecology

REV 10/16/88

AGC2C000661

**SPEARMAN ENGINEERING, PS**

P. O. Box 230

Bremerton, WA 98337

Phone: 360-377-1630 Toll Free 1-877-777-1630 Fax: 360-377-1636

• MARINE

• STRUCTURAL

• ENVIRONMENTAL PERMITS

**MEMORANDUM**

- Date: January 25, 1999
  - To: File -- Ash Grove Cement Dredge #98-34
  - From: Al Elliott
  - Re: DOE Water Quality Certification
- 

Based on the following communications with the Washington State Department of Ecology, no DOE approval will be required to remove the pile of spilled limestone from the Duwamish waterway adjacent the subject property:

- 1/19 I faxed copies of the Hydraulic permit and the January 14, 1999 Corps of Engineers letter to Rick Vinning, DOE, with a memo asking how we should apply for Water Quality Certification, or if a CERT was necessary.
- 1/22 As Vinning was out of the office, his secretary, Penny, (360-407-6960) reviewed my fax with DOE officials and called me with the following information:
  - 1. A CERT is not required
  - 2. She asked me to check with Ron Devitt, DOE, Northwest Water Quality, (425 649-7028) to see if other DOE requirements might be necessary.
- 1/22 I discussed the project with Ron Devitt and he saw no requirement for DOE approval, but said that John Drabek of their staff would be most knowledgeable of any new requirements. He said that he would discuss the project with Drabek.
- 1/25 I discussed the project with Drabek (425 649-7293). He asked me about the material to be removed (limestone); disposal of the material (manufactured into cement, on-site); how long the dredge would take (1-2 days); and what kind of equipment would be used (bucket dredge on a barge). He then told me that this project would require no authorization from DOE.

EXEMPTION FROM SHORELINE MANAGEMENT ACT  
SUBSTANTIAL DEVELOPMENT PERMIT  
REQUIREMENT



To: Jay W. Spearman, PE, Spearman Engineering  
(name and address of the applicant)  
11410 NE 124th Street Suite 582, Kirkland WA 98034

The proposal by Ashgrove Cement Plant to undertake the following development:

To remove spilled aggregate from large unloading berth (approximately  
750 cu. yd., spilled material will be consumed or recycled  
in manufacturing process on site). (be specific)  
Proposal will not remove any  
existing native sediment or bluffs excavate below existing dredge depth.

upon the following property: 3801 E. Marginal Way S.  
(street address)  
within Duwamish Waterway  
(name of water area)

and/or its associated wetlands is exempt from the requirement of a substantial development permit

because the development is within the scope of normal maintenance and  
repair of existing development  
(Identify exemptions as outlined in WAC 173-201-010)  
(Include Corps of Engineers Public Notice Number, if available)

The proposed development is consistent or inconsistent with: (check one)

	Consistent	Inconsistent
Policies of the Shoreline Management Act	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The Master Program	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1-29-99

(Date)

Note: Grading permit is also exempt  
under 22.804.030-C.6, per  
determination of Dean Griswold.

G:\users\luc\doc\wp5\shl\exempt

/Hermi Z.  
City of Seattle  
Department of Construction and Land Use  
710 - 2nd Avenue Suite 200  
Seattle, WA 98104-1705